

AN ORDINANCE **98709**

**ADOPTING AMENDMENTS AND REVISIONS TO THE
PROVISIONS OF THE CITY'S ETHICS CODE
PERTAINING TO THE ANNUAL LOBBYIST
REGISTRATION FEE.**

(Amends Ordinance No. 88874, November 19, 1998)

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WHEREAS, the City Council passed and approved Ordinance Number 88874 on November 19, 1998, adopting a new Code of Ethics establishing standards of conduct for present and former city officials and employees, persons doing business with the City, and lobbyists;

WHEREAS, the City Council has subsequently amended the Code of Ethics in Ordinance 90313 on August 19, 1999, in Ordinance 93998 on May 24, 2001, and on May 29, 2003, when the City Council adopted several revisions proposed by the Mayor's Integrity Committee and the City's Ethics Review Board in Ordinance No. 97711; and most recently on December 18, 2003, when the City Council passed and approved Ordinance No. 98639, adopting several revisions to the lobbyist provisions of the Ethics Code; and;

WHEREAS, the City Council has now further considered additional amendments to the Ethics Code pertaining to the annual registration fees for lobbyists; **NOW THEREFORE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. By this Ordinance, the City Council amends the Part E, Section 4(f) of City's Ethics Code as follows:

At the time of initial or subsequent annual registration with respect to a client, a registrant shall pay to the city, and the City Clerk shall collect, a fee **of \$300.** ~~in an amount to be determined by the City Council.~~ All lobbyist registration fees shall be deposited into a separate account within the general fund, which account shall be used to offset the costs of administering the city's lobbying ordinance and the cost of handling disclosure filings.

SECTION 2. Part E, Section 3(g) of the City's Ethics Code, regarding the exceptions from the lobbyist registration requirement, is repealed as follows:

SECTION 3 EXCEPTIONS

The following persons are not required to register under Section 4 of Part E (Registration) or file an activity report under Section 5 of Part E (Activity Reports):

~~(g) Agent or Employee. An agent or employee of a lobbying firm or other registrant that files a registration statement or activity report for the period in question fully disclosing all relevant information known to the agent or employee.~~

Any agent or employee of a lobbying firm, organization or other registrant will be individually subject to the lobbyist registration regulations pursuant to Part E, Section 2 of the Ethics Code. Activity reports required under Part E, Section 5 may still be filed by a lobbying firm or registrant on behalf of agents and employees, as noted in the following section.

SECTION 3. The first paragraph of Part E, Section 5(a) regarding lobbyist activity reports is amended as follows:

Required Disclosures. Except as provided in Section 3 of Part E (Exceptions), each registrant shall file with the City Clerk a separate report signed under oath concerning the registrant's lobbying activities for each client from whom, or with respect to whom the registrant received compensation of, or expended, monies for lobbying during the prior calendar quarter.

A firm, entity, or individual that employs agents or employees who lobby on behalf of that organization's or employer's clients may file quarterly reports regarding lobbying activities on behalf of all of the organization's or employer's clients, so long as all activities by the agents and employees that must be disclosed pursuant to the Part E are reported on the consolidated quarterly report. When a registrant files a quarterly report disclosing the lobbying activities of its agents or employees, the registrant's agents and employees, although individually registered as lobbyists, are not required to file separate quarterly reports.

{paragraph break added}

The report for the preceding calendar quarter shall be filed between the first and fifteenth day of April, July, October, or January, or on the date registration on behalf of the client is required, whichever comes later. If the registrant is not an individual, an authorized officer or agent of the registrant shall sign the form. The report shall be on the form prescribed by the City Clerk and shall include, with respect to the previous calendar quarter, to the extent applicable:

- (1) the name of the registrant, the name of the client, and any changes or updates in the information provided in the most recent registration statement filed pursuant to Section 4 of Part E (Registration);

- (2) a list of the specific issues upon which the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of specific legislative proposals and other proposed, pending, or completed official actions;
- (3) a list of the city officials contacted by the registrant on behalf of the client with regard to a municipal question;
- (4) a list of the employees or agents of the registrant who acted as lobbyists on behalf of the client;
- (5) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenditures as defined in Section 1 of Part E (Definitions) that the registrant and its agents or employees incurred in connection with lobbying activities;
- (6) each gift, benefit, or expenditure greater than fifty dollars (\$50).
- (7) made to, conferred upon, or incurred on behalf of a city official or his or her immediate family by the registrant, or by anyone acting on behalf of the registrant, shall be itemized by date, city official, actual cost, and circumstances of the transaction;
- (8) each exchange of money, goods, services, or anything of value by the registrant, or by anyone acting on behalf of the registrant, with any business entity in which the registrant knows or should know that a city official has an economic interest, or for which the city official serves as a director or officer, or in any other policy making position, if:
 - (A) the total of such exchanges is one thousand dollars (\$1000) or more in a calendar quarter; and
 - (B) the city official:
 - (i) has been lobbied by the registrant during the calendar quarter; or
 - (ii) serves on a board or other city body that has appellate jurisdiction over the subject matter of the lobbying.

Each exchange shall be itemized by date, business entity and address, city official, amount, and nature of transaction. For purposes of this Subsection, the term "exchange" does not include a routine purchase from a commercial business establishment, if the city official in question is neither aware, nor likely to become aware, of the transaction; and

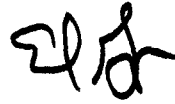
- (9) the name and position of each city official or member of a city official's immediate family who is employed by the registrant.

SECTION 4. Part E, Section 3(h), regarding exceptions from lobbyist registration requirement for individuals will be renumbered as Part E, Section 3(g).

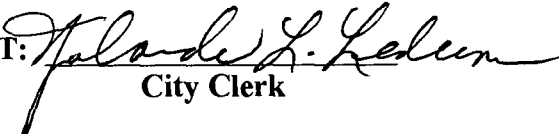
SECTION 5. This ordinance shall be effective ten days after passage. The changes in the Ethics Code reflected in this ordinance apply only to events taking place on or after


the effective date of this ordinance. Any events occurring before the effective date of this ordinance are governed by the Ethics Code in effect on that date of that event. The prior versions of the Code are continued in effect for that purpose.

PASSED AND APPROVED this 15th day of January, 2004.



MAYOR
Edward D. Garza

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
Andrew Martin
City Attorney